

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

RICKY B. CAMPBELL,

Movant,

v.

CIVIL ACTION NO. 5:07-0120  
Criminal No. 5:05-00013

UNITED STATES OF AMERICA,

Respondent.

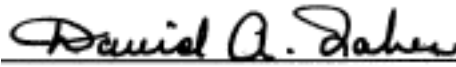
MEMORANDUM OPINION AND ORDER

In its April 14, 2010, Order, the Fourth Circuit Court of Appeals remanded this matter for the limited purpose of permitting the court to grant or deny a certificate of appealability pursuant to 28 U.S.C. § 2253(c)(1). (Doc. No. 189.) Pursuant to § 2253(c)(2), a certificate will not be granted unless there is "a substantial showing of the denial of a constitutional right." Id. § 2253(c)(2). The standard is satisfied only upon a showing that reasonable jurists would find that any assessment of the constitutional claims by this court is debatable or wrong and that any dispositive procedural ruling is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). The court concludes that the governing standard is not satisfied in this instance. Accordingly, the court **DENIES** a certificate of appealability.

The Clerk is directed to transmit copies of this Memorandum Opinion and Order to the Clerk of the Fourth Circuit Court of Appeals, to counsel of record, and to any unrepresented party.

It is **SO ORDERED** this 26th day of April, 2010.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge